

Applicant: Fuller Homes

Agent: Rio Grande Engineering

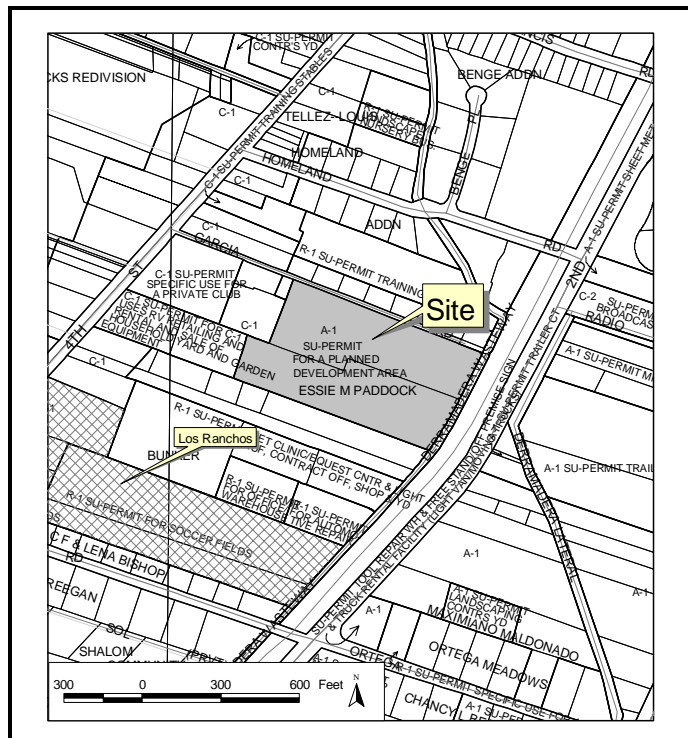
Location: 2nd St., south of Alameda Blvd.

Property Size: 7.76 acres (approximately)

Existing Zone: A-1/ Special Use Permit for Planned Development Area (Residential)

Request: Preliminary Plat

Recommendation: Approval



Summary: The applicant is seeking Preliminary Plat approval of a 16 lot subdivision on a 7.76 acre property in the North Valley. The property is located on the west side of Second St., to the south of Alameda Blvd. In January 2005, the Board of County Commissioners approved a Special Use Permit for a Planned Development Area for the property.

The County Development Review Authority deemed this Preliminary Plat submittal complete on July 28, 2005.

Staff Planner: Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Land Use and Zoning Maps
 3. BCC Notice of Decision
 4. CDRA Notice of Decision
 5. Water and Sewer Availability Statement
 6. Comments from State Engineer's Office
 7. Neighborhood Notification
 8. Plat, site plan, disclosure statement (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 8/22/05 to 9/12/05 and from 12/13/05 to 1/9/06. Their comments were used in preparation of this report, and begin on Page 11.

AGENDA ITEM NO.: 18
County Planning Commission
February 1, 2006

SC-50005 Rio Grande Engineering, agent for Fuller Homes, requests preliminary plat approval for a sixteen (16) lot subdivision to be called Cielito Lindo Subdivision, on Tracts A & B, Lands of Essie M. Paddock, located on the southwest corner of 2nd Street and Garcia Road, zoned A-1, R-1 & C-1 with a Special Use Permit for a Planned Development Area, containing approximately 7.76 acres. (D-16)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land use
	A-1/R-1/C-1 with Special Use Permit for Planned Development Area	Vacant
North	R-1	Single Family Residential
South	R-1	Single Family Residential
East	Alameda Lateral/ Second St.	Right-of-way
West	C-1/Special Use Permit for RV retailing and sale of household yard and garden equipment	Retail

BACKGROUND:

The Request

The applicant is requesting approval of a Preliminary Plat for a 16 lot, 7.76 acre (approximately) subdivision, to be named Cielito Lindo, located on the west side of Second St., to the south of Alameda Blvd.

The property currently consists of two parcels of almost equal size. In 1976, the parent tract (MRGCD Tract 57a) was subdivided into the two lots, Tract A (3.99 acres) and Tract B (3.76 acres), Lands of Elsie Paddock (SP-76-256). At this time, nearly all the property was zoned R-1 and apparently was being used for agriculture. A small portion (northwest corner) of the lot (now in Tract B) was zoned C-1 when the zoning was instituted. In 1983, Tract A was re-zoned to A-1 and also received a conditional use for a commercial stable (CZ 83-2; ZA 83-63). Tract B is still zoned R-1 and C-1. With the sale of the property the stables that existed on the property have been removed.

On December 15, 2004, the Board of County Commissioners approved the Special Use Permit for a Planned Development Area for 16 single family lots on the subject property. (The request was originally for 19 lots.) The principal finding was that the development complies with Cluster Housing Principles and Guidelines as set forth in the North Valley Area Plan (Attachment 3, BCC Notice of Decision). The approval imposed 17 conditions, including obtaining access licenses from MRGCD and NMDOT, requiring a plat note regarding dedication of common open space in perpetuity, installation of landscaping and irrigation prior to certificates of occupancy, completion of a grading and drainage plan, and resolving internal access issues with County Public Works. The final site plan for the development was approved by the County Zoning Administrator on February 24, 2005.

The request for Sketch Plat was submitted to the County Development Review Authority in March 2005 and approved in April 2005. The request for Preliminary Plat was reviewed by the CDRA and deemed complete on July 28, 2005. Under the approved plat, the proposed lot sizes range from .16 acres to .25 acres. Access is across the Alameda Drain with a 40 foot wide right-of-way, as approved by County Public Works, New Mexico Department of Transportation and the Middle Rio Grande Conservancy District.

According to the revised disclosure statement submitted in October 2005, infrastructure requirements will be met. This includes connections to City of Albuquerque/Bernalillo County water and sewer service as specified in the availability statement, underground utilities, and internal roads that have been approved by Bernalillo County Public Works. The grading and drainage plan has also been approved. In addition, fire protection includes fire hydrants and service located to the north on Second St. A soil study and covenants are also included in the disclosure statement.

Surrounding Land Uses and Zoning

The subject property is located in a predominantly rural, residential setting in the North Valley, to the south of Alameda Blvd. where a majority of the properties are zoned A-1 or R-1, mainly with residential and some agricultural uses. To the immediate north of the site is Garcia Rd. with 8 MRGCD tracts located along it. To the north of this development is another commercial stable (CSU 72-42; CSU 97-10). To the south of the site are several MRGCD lots with single

family residences on them. However, further south along Second St., Special Use Permits exist on R-1 zoned properties for a contractor's yard, a veterinary clinic, a warehouse, and automobile repair, all in the midst of residential development.

To the east of the property (across Second St.) are two mobile home parks that have existed since the 1970s with Special Use Permits (CSU 70-108; CSU 71-3). To the northeast nearby the intersection of Alameda Blvd. and Second St., a Planned Development Area was approved in 1997 for 55 residential units.

Properties to the west of the site towards Fourth Street have C-1 zoning with both residential and commercial uses. One property has a Special Use Permit for a Private Club (CZ-91-08), and another has a Special Use Permit for RV retailing and rental and sale of yard and garden equipment and materials (CSU 96-33). The property to the immediate west has C-1 zoning, but has a residence on it.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to "maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns."

Policy 3.a of the Plan (Land Use) states that Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

Rural area density patterns shall be more specifically defined through lower rank plans.

North Valley Area Plan

This property is located within the Rural area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 7.1 (Housing) states "The City and County shall stabilize land use to protect affordable housing and land presently zoned for housing."

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H.
- b. Limit encroachment of non-residential uses into residential areas.
- c. Encourage residential zoning of parcels with residential use.

Policy 7.4 (Housing) states "The County and City shall remove disincentives, provide incentives and/or require housing development which meets the cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity."

- b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.
- c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles.

Policy 4.4 of the Plan states that the County and City shall encourage rural standards for development, especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

Policy 3.a (Land Use) states that "the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors."

Cluster Housing Principles (North Valley Area Plan)

"The desire to preserve valley character and the need to accommodate new housing for population growth can both be accommodated through cluster development. Cluster housing principles may be applied throughout the valley in all residential development and redevelopment. The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods; reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing." (p.121)

Bernalillo County Subdivision Ordinance

Sec. 74-31. Preliminary plat instructions.

- (a) *Preliminary plat required.* Preliminary plats shall be submitted for type-one, type-two, type-three, and type-four subdivisions. Certain type-three and all type-five subdivisions are subjected to review under the summary procedure set forth in Article V of this chapter.
- (b) *Application / fees.* A subdivider shall prepare a preliminary plat and support documentation in accordance with the requirements provided in these regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the county and upon payment of the required administrative fee.

- (c) *Support documentation.* Prior to accepting the preliminary plat, the county shall require that the subdivider furnish documentation of:
- (1) An approved sketch plat consistent with applicable County ordinances and staff requirements;
 - (2) Water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
 - (3) Water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
 - (4) The means of liquid waste disposal for the subdivision;
 - (5) The means of solid waste disposal for the subdivision;
 - (6) Satisfactory roads to each parcel, including ingress and egress for emergency vehicles, and utility easements to each parcel;
 - (7) Terrain management (drainage report) to protect against flooding, inadequate drainage and erosion; and measures to protect steep slopes over 15 percent and ridge tops;
 - (8) Protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by article X of this Code; and
 - (9) If property is in a designated wildfire hazard area, means of compliance with wildfire safety provisions of this chapter.

Additional information as deemed appropriate by the county upon prior notice to applicant.

- (d) *Neighborhood notification.* All applications for six or more lots shall be subject to the county neighborhood notification ordinance.
- (e) *Plat deemed complete (for review).* Within five days of receipt of the application, fees, preliminary plat, and support documentation, the county shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat shall be accepted for review upon acceptance of the application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be advised and the application will not be accepted for further review.

Sec. 74-32. Agency review.

- (a) *Plat transmittals.* Within ten days after the date that the preliminary plat is deemed complete, the county shall forward a copy of the preliminary plat and support

documentation to the following state and local agencies by certified mail, "return receipt requested," with a request for review and opinions:

- (1) New Mexico State Engineer Office;
 - (2) New Mexico Environment Department;
 - (3) New Mexico Highway and Transportation Department;
 - (4) Soil and water conservation district in which the proposed subdivision is located; and
 - (5) Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- (b) *Agency response.* The state and local agencies shall have 30 days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The county shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency.
- (c) *Hearing deadlines.* If the opinions received from all agencies are favorable, the county shall schedule a public hearing for consideration and action on the preliminary plat within 30 days following the receipt of such favorable opinion. If the county does not receive a requested opinion within the specified 30 days, it shall proceed with the required public hearing.
- (d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.
- (e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

ANALYSIS:

Surrounding Land Use and Zoning

The proposed land use appears to be compatible with the zoning and land uses of the surrounding area, which include a variety of lot sizes and a mixture of A-1, M-H, and R-1

zoning and some commercial uses with Special Use Permits for both residential and non-residential uses. The Special Use Permit allows a higher density while preserving the rural flavor of the North Valley through the dedication of common, visually-accessible open space.

Plans

The subdivision development is consistent with the Comprehensive Plan and the North Valley Area Plan policies. The development complies with the Cluster Housing Principles and Guidelines as set forth in the North Valley Area Plan. Following the Density Guidelines of the North Valley Area Plan for the Rural Area, the subdivision will have a density of 2.0 dwelling units per acre.

Bernalillo County Subdivision Ordinance

The Preliminary Plat meets all the requirements of Section 74.31 and 74.32 of the Bernalillo County Subdivision Ordinance for Preliminary Plat Submittals and Agency Review.

Agency Comments

County staff and representatives from other agencies have provided comments on the Preliminary Plat.

County Environmental Health states initial site development appears to be proceeding based on conditions of approval and the approved grading and drainage plan.

County Public Works indicates that that a Grading and Drainage Plan has been reviewed and approved for the preliminary plat and that development must conform to this plan and to the Traffic Impact Analysis that was submitted.

Other County departments or other agencies (e.g., Fire, Sheriff's, Soil Service) have not provided any comments.

Albuquerque Public Schools states that three schools will be available to accommodate demand from the new subdivision.

Parks and Recreation comments state that the plat revision must show the 6' pedestrian access point and 4' crusher fine path that connects Garcia Road to the northern cul-de-sac.

Conclusion

This request is consistent with the North Valley Area Plan (Cluster Housing). The concerns and requirements of County departments for Preliminary Plat appear to have been addressed and the County Development Review Authority has thus deemed this request as complete. The State Engineer's Office has provided a positive opinion regarding the availability of water for the proposed subdivision.

FINDINGS:

1. This request is for preliminary plat approval of a sixteen (16) lot subdivision to be called Cielito Lindo Subdivision, on Tracts A & B, Lands of Essie M. Paddock, located on the southwest corner of 2nd Street and Garcia Road, containing 7.76 acres.
2. The site is currently zoned A-1, R-1 and C-1 and is designated in the 'Rural' Area as in the Albuquerque/Bernalillo County Comprehensive Plan.
3. The request complies with Section 18.B.23 (Planned Development Area) of the Bernalillo County Zoning Ordinance in that the applicant has demonstrated the need to vary lot area in order to create a cluster housing development with open space.
4. The subdivision complies with the Cluster Housing Development Guidelines and Principles of the North Valley Area Plan.
5. The County Development Review Authority deemed this plat complete for agency review on July 28, 2005.
6. A favorable opinion from the Office of the State Engineer has been issued for this subdivision.
7. This request is consistent with the health, safety, and general welfare of the residents of the County.

RECOMMENDATION

Approval of SC-50005, based on the above Findings with the following Conditions.

Catherine VerEecke
Program Planner

CONDITIONS OF APPROVAL

1. The applicant shall comply with all Bernalillo County Ordinances and Regulations.
2. Final plat revision must show the 6' pedestrian access point and 4' crusher fine path that connects Garcia Road to the northern cul-de-sac.
3. Applicant shall maintain a note on the Final Plat that the maintenance of Common Open Space (Tracts A&B) shall be the sole responsibility of the Cielito Lindo Homeowners Association.
4. All improvements noted in the approved Traffic Impact Analysis and New Mexico Department of Transportation driveway permit shall be addressed prior to Final Plat approval.
5. The Middle Rio Grande License Agreement for this subdivision shall be included in the Disclosure Agreement.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No adverse comments.

Environmental Health:

Upon physical inspection of the property on 1/9/06 by KAC it is noted that:

- a. The site has been properly graded and prepared. The 2' of soil from the proximity of the horse stables has been successfully removed from this site and has been disposed of properly at a bonafide landfill that accepts this soil.
- b. All on-site septic tanks in question have been successfully removed and abandoned in the proper manner acceptable to Bernalillo County EH Office.

Additional Comments:

All infrastructure has been bonded with the city county water utility authority; water and sewer lines will be installed approx. March 20, 06.

Storm water drainage has been addressed through on-site shallow ponding areas. A mosquito control plan has been provided for the ponding areas.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.

Plat is acceptable for final.

Fire:

No comments received.

Public Works:

DRAN:

1. A grading and drainage plan Case # PWDN- 50027 has been approved for this site.
2. No further comments.

DRE:

1. July 11, 2005: DR fees paid (PWEP 51045) based on PWCO 50015 construction plans.
2. Include a retaining wall maintenance statement in the Disclosure Statement.
3. Garcia Road public access easement needs to be changed to public right-of-way as stated in the previous March 2005 submittal.

Parks & Recreation:

Per condition 9 of the Special Use Permit (SCU-40019), plat revision must show the 6' pedestrian access point and 4' crusher fine path that connects Garcia Road to the northern cul-

de-sac. This access point is shown on the re-submitted site plan approved by the Zoning Administrator on February 24, 2005.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

For information, this section of 2nd Street is identified as having a separate path on the Long Range Roadway System.

AMAFCA:

No comment.

City Planning Department:

No comments received.

City Public Works:

Transportation Planning: No adverse comments.

Transportation Development: No adverse comments.

Water Resources:

7/05

No objection to Preliminary Plat approval. Public water/sewer line extensions are required as a condition of final plat approval. Water Utility Department should sign the Final Plat.

Final plat approval is required by MRGCD.

The District recommends installing new waterlines within the proposed subdivision not within the Derramadera Ditch Right-of-Way or Alameda Drain Right-of-Way.

1/9/06

Provide a 20 foot public water line easement from this subdivision Northwards to Garcia Road. This will enable water line looping to occur to the North and substantially strengthen the long dead-end water line in Garcia Road.

COUNTY PLANNING COMMISSION
FEBRUARY 1, 2006
SC-50005

City Transit:

No transit service is currently available within walking distance of the site. The closest transit routes are about 1 mile west and east on 4th St and Osuna/Gulton Court respectively.

No objection.

City Open Space:

No comments received.

NMDOT

-A Traffic Impact Analysis (T.I.A) will be required to determine the impact to the State Road system as well as mitigation measures.

-A State driveway permit will be required for access to the State Road.

-The permitting process shall be followed to obtain the permit.

Albuquerque Public Schools

The proposed project to develop 16 lots for single family residences known as Cielito Lindo Subdivision will affect Alameda Elementary, Taylor Middle School, and Valley High School. Currently, all three schools have the capacity to absorb students generated from the proposed development.

Schools	2005/06	40 Day Count	Capacity	Space Available
Alameda ES		377	410	33
Taylor MS		590	790	200
Valley HS		1800	2290	490

Office of the State Engineer

See Attachment 6.

Office of Historic Preservation

No comments received.

State Environmental Department

No comments received.

Ciudad Water and Soil Conservation District

No comments received.

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association